

Ronald Berger



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Pennington Enterprise

**File:** B-261524

**Date:** June 19, 1995

### DECISION

Pennington Enterprise protests the award of a contract to Jefferson Rehabilitation Center by the Department of the Army under solicitation No. DAKF36-95-R-0004. Pennington Enterprise contends that the solicitation was ambiguous and the amount of the contract award was excessive.

We dismiss this protest on the basis that the protester is not an interested party.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988 and Supp. V 1993), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). Determining whether a party is interested involves consideration of a variety of factors, including the nature of issues raised, the benefit of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7.

The Pennington Enterprise letter is signed by Ms. Rae Dean Pennington, who identifies herself as a part of the management team for Eastern Maintenance and Services, Inc., the prior incumbent contractor. Eastern Maintenance states that Ms. Pennington did not file with us on its behalf. It thus appears that Pennington is not an actual or prospective offeror, and, therefore, lacks the direct economic interest required to maintain a protest.

The protest is dismissed.

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